



Reprinted
March 1, 2016

ENGROSSED SENATE BILL No. 162

DIGEST OF SB 162 (Updated February 29, 2016 5:14 pm - DI 77)

Citations Affected: Noncode.

Synopsis: Hospital immunizations. Urges the legislative council to refer to an interim study committee topics concerning hospital immunizations.

Effective: Upon passage.

**Miller Patricia, Arnold J, Mrvan,
Mishler, Randolph Lonnie M**
(HOUSE SPONSORS — KIRCHHOFFER, BROWN C)

January 5, 2016, read first time and referred to Committee on Health & Provider Services.
January 28, 2016, amended, reported favorably — Do Pass.
February 1, 2016, read second time, ordered engrossed. Engrossed.
February 2, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Public Health.
February 25, 2016, amended, reported — Do Pass.
February 29, 2016, read second time, amended, ordered engrossed.

ES 162—LS 6512/DI 104



Reprinted
March 1, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 162

A BILL FOR AN ACT concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "public health, behavioral health, and human services
3 committee" refers to the interim study committee on public health,
4 behavioral health, and human services established by IC 2-5-1.3-4.

5 (b) As used in this SECTION, "study committee" means an
6 interim study committee established by IC 2-5-1.3-4.

7 (c) The general assembly urges the legislative council to assign
8 to the public health, behavioral health, and human services
9 committee or another appropriate study committee the topics of:

10 (1) Whether a hospital shall conduct immunizations in
11 accordance with the recommendations established by the
12 Advisory Committee on Immunization Practices of the United
13 States Centers for Disease Control and Prevention that are in
14 effect at the time the hospital conducts the immunizations.

15 (2) If a hospital conducts immunizations, which individuals
16 must be immunized and what exceptions to the immunization
17 requirement should be granted.

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1 **(3) Any other issues concerning immunizations related to the**
2 **safety of patients and the safety of individuals receiving the**
3 **immunizations.**

4 **(d) If the legislative council assigns the topics described in**
5 **subsection (c) to the public health, behavioral health, and human**
6 **services committee or another appropriate study committee, the**
7 **public health, behavioral health, and human services committee or**
8 **the appropriate study committee shall complete the study required**
9 **by this SECTION and report its findings and recommendations, if**
10 **any, to the legislative council in an electronic format under**
11 **IC 5-14-6 not later than November 1, 2016.**

12 **(e) This SECTION expires January 1, 2017.**

13 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 162, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "1." insert **"(a) This chapter is effective beginning January 1, 2017."**

(b) As used in this section, "routinely has direct contact with a patient" means routinely having any of the following:

(1) Face to face interaction with a patient of the hospital.

(2) A physical presence inside a patient room or any enclosed, non-common area of the hospital that is used exclusively for medical examinations, treatments, or procedures.

(c) "

Page 1, line 12, delete "any of the following:" and insert **"IC 16-21-2."**

Page 1, delete lines 13 through 16.

Page 1, line 17, after "employee" insert **"or a contractor"**.

Page 1, line 17, after "who" insert **"routinely"**.

Page 2, between lines 1 and 2, begin a new line block indented and insert the following:

"(3) An employee or a contractor of a hospital described in subdivision (1) who does not routinely have direct contact with a patient of the hospital."

Page 2, line 2, delete "Except as provided in" and insert **"Subject to"**.

Page 2, line 2, delete "and" and insert **","**.

Page 2, line 3, delete "subject to obtaining an employee's consent,".

Page 2, line 4, delete "the" and insert **"to an individual described in section 1(c)(2) of this chapter an immunization against the following:**

(1) Influenza.

(2) Varicella.

(3) Measles, mumps, and rubella.

(4) Tetanus, diphtheria, and pertussis.

(b) Subject to section 4 of this chapter, a hospital may elect to annually administer or make available to be administered to an individual described in section 1(c)(3) of this chapter an immunization against any of the following:

(1) Influenza.

(2) Varicella.



(3) Measles, mumps, and rubella.

(4) Tetanus, diphtheria, and pertussis.

A hospital that makes an election under this subsection may determine to whom, of the individuals described in section 1(c)(3) of this chapter, the hospital will administer or make available an immunization."

Page 2, delete lines 5 through 11.

Page 2, line 12, delete "(b)" and insert "(c)".

Page 2, between lines 16 and 17, begin a new paragraph and insert the following:

"(d) A hospital may do any of the following:

(1) Make, as a condition of employment or a contract with the hospital, a requirement that an individual have an immunization specified in this section.

(2) Terminate the employment or contract of an individual or otherwise discipline the employee or contractor if:

(A) the individual:

(i) did not receive the immunization listed in this section; and

(ii) did not qualify for or seek an exemption under section 4 of this chapter at the time the immunization was to be administered or made available to the individual by the hospital; and

(B) the hospital had an adopted written policy in place before the individual's failure to receive the immunization that permits the hospital to terminate or discipline the individual.

(e) A hospital and an employee or agent acting on behalf of the hospital is immune from any liability arising from or concerning the termination or discipline of an individual under this chapter if the hospital has complied with subsection (d)(2) before the termination or discipline of the individual."

Page 2, line 17, delete "annually".

Page 2, line 18, delete "the" and insert "an".

Page 2, line 18, delete "section 2(a)(1)" and insert "**section 2**".

Page 2, line 19, delete "to an employee described in section 1(2) of this".

Page 2, line 20, delete "chapter and who is employed by the hospital".

Page 2, line 21, after "October 1" insert "**of each year**".

Page 2, line 23, delete "the hospital's employees" and insert "**an individual described in section 1 of this chapter**".



Page 2, line 26, delete "employee" and insert "**individual described in section 1 of this chapter**".

Page 2, line 29, delete "employee's" and insert "**individual's**".

Page 2, line 32, delete "required under" and insert "**described in section 2 of**".

Page 2, line 36, delete "employee;" and insert "**individual; or**".

Page 2, line 37, delete "employee's" and insert "**individual's**".

Page 2, line 38, delete "; or" and insert ".".

Page 2, delete lines 39 through 42, begin a new paragraph and insert:

"(c) A hospital may establish a process for determining whether the tenets of the religion relied upon by an individual for purposes of the exemption in subsection (b)(3) prohibit the individual from receiving an immunization listed in section 2 of this chapter.

SECTION 3. IC 34-30-2-66.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 66.6. IC 16-21-13-2(e) (Concerning hospitals and immunizations).**".

and when so amended that said bill do pass.

(Reference is to SB 162 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-162, AS AMENDED BY P.L.212-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 162. (a) **"Health care professional", for purposes of IC 16-21-13, has the meaning set forth in IC 16-21-13-1.**

(b) "Health care professional", for purposes of IC 16-27-1 and IC 16-27-4, has the meaning set forth in IC 16-27-1-1.

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~~(b)~~ (c) "Health care professional", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1."

Page 1, line 11, delete "1. (a)" and insert "**0.5**".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 1. (a) As used in this chapter, "health care professional" means any individual who provides services for a hospital, including the following:

- (1) Physicians.**
- (2) Volunteers.**
- (3) Residents.**
- (4) Temporary workers.**
- (5) Students.**
- (6) Vendors."**

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"(5) Other immunizations, as determined by the hospital."

Page 2, line 18, after "administered to" insert "**a health care professional or**".

Page 2, line 26, after "the" insert "**health care professionals and**".

Page 3, line 15, after "an" insert "**influenza**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 162 as printed January 29, 2016.)

KIRCHHOFFER

Committee Vote: yeas 8, nays 3.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 162 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "public health, behavioral health, and human services committee" refers to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.

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(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to the public health, behavioral health, and human services committee or another appropriate study committee the topics of:

Page 3, line 7, delete "(c) A", begin a new line block indented and insert:

"(1) Whether a".

Page 3, line 7, delete "under this section".

Page 3, delete lines 12 through 42, begin a new line block indented and insert:

"(2) If a hospital conducts immunizations, which individuals must be immunized and what exceptions to the immunization requirement should be granted.

(3) Any other issues concerning immunizations related to the safety of patients and the safety of individuals receiving the immunizations.

(d) If the legislative council assigns the topics described in subsection (c) to the public health, behavioral health, and human services committee or another appropriate study committee, the public health, behavioral health, and human services committee or the appropriate study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act."

Delete page 4.

(Reference is to ESB 162 as printed February 26, 2016.)

SHACKLEFORD

